

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Gladys & Theodore Herman Trust and
Ricky & Stephanie Downs
PO Box 337
Hardin, MT 59034
2. Type of action: Application to Change an Existing Irrigation Water Right
3. Water source name: Groundwater (Madison Formation)
4. Location affected by project: SENWSW Sec. 14, E2 Sec. 22 and W2 Sec. 23, T1S,
R32E, Big Horn County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to change the point of diversion, purpose and place of use of 26 acres of flood irrigation in the N2NW Sec. 23 to a commercial truck wash in the SENWSW Sec. 14, T1S, R32E. Center pivot sprinkler irrigation of 126 acres in the E2E2 Sec. 22 and W2W2 Sec. 23, T1S, R32E, Big Horn County will remain unchanged. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

Endangered-Threatened Species
Dewatered Stream Information
TMDL Information

Part II. Environmental Review**1. Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: no impact

Groundwater is not listed as chronically or periodically dewatered by the DFWP. The Applicants proposed to cease flood irrigation on 26 acres and change the purpose to a commercial truck wash. There will be no change in the consumptive use of the water right due to this change. This use should not affect any already dewatered streams.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: no impact

Groundwater is not listed on the MDEQ 303(d) list. The Applicants are required to divert water from the commercial truck wash into a series of three evaporation ponds. This proposed change should have no effect on water quality in nearby streams.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: no impact

This application is to change the point of diversion, purpose and a portion of the place of use of an irrigation water right. The new point of diversion is located in the same aquifer approximately 500 feet north of the old diversion. There is no increase in diverted flow rate or volume. The consumption of the new commercial use will be limited to the consumption of the retired acres. This change should not impact groundwater quality or supply. There should be no impact to adjacent surface water flows.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: no impact

The proposed diversion is a well in the same aquifer, approximately 500 feet north of the old diversion. The well was drilled by a licensed water well contractor. The change in diversion, purpose and place of use will not affect channels, flows, barriers, riparian areas, dams or well construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: No Impact

The Natural Heritage Program identified the following species of concern and special status species, within the project area: Black-tailed Prairie Dog, Greater Sage-Grouse, Plains Hog-nosed Snake, Western Milksnake and Golden Eagle. Eagles are protected under the Bald and Golden Eagle Protection Act of 1940. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. The proposed place of use falls within currently mapped general sage grouse habitat. The Applicant has consulted with the Sage Grouse Habitat Conservation Program and is subject to the stipulations outlined in the letter they received from the Program. This area is already actively farmed. There should be no change in affects to Sage Grouse due to this project.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: no impact

There are no wetlands identified within the project area. There should be no impact to wetland

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: no impact

The ponds involved in this project have existed for many years and will not be changed as a result of this project.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: no impact

The project area is comprised of several varieties of soil including loams and clay loams. A description of the soils is in the project file. This project is to change the place of use for a portion of an existing irrigation system to a commercial truck wash. Water from the truck wash will be held in 3 evaporation ponds as required by the EPA. There is very low likelihood of soil degradation, alteration of stability or moisture content, or saline seep due to this proposed use of water.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: no impact

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: no impact

NA – project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: no impact

There should be no significant impacts on other environmental resources of land, energy or water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: no impact

This proposed use is not inconsistent with locally adopted environmental plans and goals for Big Horn County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: no impact

The project is located in an area that is actively farmed; this project should have no impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: no impact

There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: no impact

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. Describe any mitigation/stipulation measures: None identified

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: The no action alternative would mean that the applicant could not move their diversion and place of use or change the purpose of their right.

PART III. Conclusion

1. Preferred Alternative To authorize the change in point of diversion and place of use.

2 Comments and Responses

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts were identified. No EIS required.

Name of person(s) responsible for preparation of EA:

Name: Christine Schweigert

Title: Water Resources Specialist

Date: June 26, 2017